

## SCAQMD Rule 1403

The SCAQMD is a policing agency funded by state, federal and local regulatory agencies for the enforcement of environmental laws. The SCAQMD regulates asbestos under their Rule known as Rule 1403. This regulation dictates how demolition, renovation and asbestos removal projects are to be properly and legally conducted. All bold type has been placed to highlight important areas by the Author.

“The purpose of this rule is to specify work practice requirements to limit asbestos emissions from building demolition and renovation activities, including the removal and associated disturbance of asbestos-containing materials (ACM). The requirements for demolition and renovation activities include asbestos surveying, notification, ACM removal procedures and time schedules, ACM handling and clean-up procedures, and storage, disposal, and landfilling requirements for asbestos-containing waste materials (ACWM). All operators are required to maintain records, including waste shipment records, and are required to use appropriate warning labels, signs, and markings.

**This rule, in whole or in part, is applicable to owners and operators of any demolition or renovation activity, and the associated disturbance of asbestos-containing material, any asbestos storage facility, or any active waste disposal site.”**

Rule 1403 applies to ANY project where building materials are being disturbed in quantities greater than 100 square feet. For areas of disturbance of less than 100 square feet there are still requirements but these are not as extensive as those where more than 100 square feet are removed.

### (j) Exemptions

(1) The notification requirements of subparagraph (d)(1)(B) and the training requirements of subdivision (i) **shall not apply** to renovation activities, **other than planned renovation activities which involve non-scheduled renovation operations, in which less than 100 square feet of surface area of ACM are removed or stripped.**

(2) The **notification requirements** of subparagraph (d)(1)(B) and the **training requirements** of subdivision (i) **shall not apply** to planned renovation activities which involve non-scheduled renovation operations, in which **the total quantity of ACM to be removed or stripped within each calendar year of activity is less than 100 square feet of surface area.**

(3) Subparagraph (d)(1)(A)(v), (vi) and (vii) and subclause (d)(1)(B)(iii)(VI) **shall not apply** to the owner or operator of any renovation or demolition activity, **when the suspected material is removed, stripped, collected, and handled as ACM** and disposed of in accordance with the provisions of this rule.

(4) Subclauses (d)(1)(A)(viii), (d)(1)(B)(iii)(II), (d)(1)(B)(iii)(III) and subparagraph (d)(1)(H) requiring proof of Cal/OSHA Registration and California State Contractors license certification shall not apply to persons performing work not subject to the registration requirements under the Labor Code, Section 6501.5 and Section 9021.5, and Business and Professions Code, Section 7058.5, respectively.

(5) The provisions of subparagraph (f)(2)(E) shall not apply to storage facilities that do not meet the definition of an active waste disposal site as defined by paragraph (c)(1).

(6) The handling requirements of subclause (d)(1)(D)(i)(II), (d)(1)(D)(i)(V), and (d)(1)(D)(i)(VI), the training requirements of paragraph (i)(1) and (i)(2), the reporting of training certificate requirement of subclause (d)(1)(B)(iii)(VII), and the on-site proof of training requirement of subparagraph (d)(1)(G) and subdivision (i) **shall not apply to the exclusive removal of asbestos-containing packings, gaskets, resilient floor covering and asphalt roofing products which are not friable, have not become friable, and have not been subjected to sanding, grinding, cutting, or abrading.**

(7) The provisions of this rule shall not apply to **an owner-occupant of a residential single-unit dwelling who conducts a renovation activity at that dwelling.**

(8) **The survey requirements** of subparagraph (d)(1)(A) shall not apply to **renovation activities of residential single-unit dwellings in which less than 100 square feet of surface area of ACM are removed or stripped.**

Rule 1403 as concerns asbestos abatement, only applies where the building material has been found to contain greater than 1% asbestos by the standard method detailed later in this document.

(8) CLASS I NONFRIABLE ASBESTOS-CONTAINING MATERIAL is material containing **more than one percent (1%) asbestos as determined by paragraph (h)(2)**, and that, when dry, can be broken, crumbled, pulverized, or reduced to powder in the course of demolition or renovation activities. Actions which may cause material to be broken, crumbled, pulverized, or reduced to powder include physical wear and disturbance by mechanical force, such as, but not limited to, sanding, sandblasting, cutting or abrading, improper handling or removal or leaching of matrix binders. Class I nonfriable asbestos-containing material includes, but is not limited to, fractured or crushed asbestos cement products, transite materials, mastic, roofing felts, roofing tiles, cement water pipes and resilient floor covering.

(9) CLASS II NONFRIABLE ASBESTOS-CONTAINING MATERIAL is all other material containing **more than one percent (1%) asbestos as determined by paragraph (h)(2)**, that is neither friable nor Class I nonfriable.

Rule 1403 dictates the sampling and testing protocols that **MUST** be conducted at any site where renovation or demolition may occur.

#### Demolition and Renovation Activities

The owner or operator of any demolition or renovation activity shall comply with the following requirements:

##### (A) Facility Survey

**The affected facility or facility components shall be thoroughly surveyed for the presence of asbestos prior to any demolition or renovation activity.** The survey shall include the inspection, identification, and quantification of all friable, and Class I and Class II non-friable asbestos-containing material, and any physical sampling of materials.

The survey shall be documented

with the following information:

- (i) The name, address, and telephone number of the person who conducted the survey;
- (ii) A written statement of the qualifications of the person who conducted the survey, demonstrating compliance with paragraph (i)(4);
- (iii) The dates the survey was conducted;
- (iv) A listing of all suspected materials containing any asbestos and samples taken;
- (v) The name, address, and telephone number of any laboratory used to conduct analyses of materials for asbestos content; and
- (vi) A statement of qualification of the laboratory which conducted the analyses, demonstrating compliance with paragraph (h)(2).
- (vii) A list of the test methods used, demonstrating compliance with subdivision (h), including sampling protocols and laboratory methods of analysis, test data, and any other information used to identify or quantify any materials containing asbestos.
- (viii) **Persons conducting asbestos surveys in accordance with subparagraph (d)(1)(a) shall be certified by Cal/OSHA pursuant to regulations required by subdivision (b) of Section 9021.5 of the Labor Code, and shall have taken and passed an EPA-approved Building Inspector Course and conform to the procedures outlined in the Course.**

##### (h) Sampling Protocols and Test Methods

(1) Sampling of materials suspected to contain asbestos shall be conducted following the provisions of 40 CFR Part 763.107 .

(2) Analysis of materials for asbestos shall be determined by using SCAQMD Method 300-91 as detailed in the District's *Laboratory Methods of Analysis for Enforcement Samples* manual, or by using the Method specified in Appendix A, Subpart F, 40 CFR Part 763, Section 1, Polarized Light Microscopy. Asbestos analyses performed to comply with this rule must be undertaken by laboratories accredited by the National Voluntary Laboratory Accreditation Program (NVLAP).

Rule 1403 requires that the District be notified prior to any renovation or demolition activity whether asbestos is present or not.

##### (B) Notification

**The District shall be notified of the intent to demolish or renovate any facility.** Notifications shall be submitted on District-approved forms, and shall be provided in accordance with the following requirements:

(i) Time Schedule

(I) Demolition or Renovation Activities

The District shall be notified by typewritten notification postmarked or delivered no later than **10 working days before any demolition or renovation activities other than emergency demolition, emergency renovation, or planned renovations** involving individual nonscheduled renovation operations begin.

(II) Planned Renovation - Annual Notification

The District shall be notified by typewritten notification postmarked or delivered by December 17 of the year preceding the calendar year for which notice is being given for planned renovation activities which involve individual nonscheduled renovation operations.

(III) Emergency Demolition or Renovation

**The District shall be notified by telephone, as soon as possible, but prior to any emergency demolition or renovation activity.** The telephone notification shall be confirmed with a follow-up typewritten notification to the District postmarked or delivered within 48 hours of the telephone notification or the following business day.

In summary, Rule 1403 requires the following basic compliance procedures:

1. A survey of the location where renovation or demolition work is to be performed.
  - a. This survey must be performed by a State Certified Asbestos Consultant (CAC).
  - b. If asbestos containing materials have already been disturbed then a special clean-up plan known as a procedure 5 plan may be required (this plan must be made by the CAC).
2. Notification of the intent to renovate, demolish, or abate asbestos, on the SCAQMD's own special forms.
3. Removal of any asbestos quantities greater than 100 square feet, or asbestos containing materials already disturbed, by a State licensed asbestos removal contractor.
4. Recordkeeping showing compliance with Rule 1403.